

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, FEBRUARY 7, 2013**

UNAPPROVED
MAY 2, 2013

PRESENT: Frank A. de la Fe, Hunter Mill District
Jay P. Donahue, Dranesville District
Earl L. Flanagan, Mount Vernon District
Janet R. Hall, Mason District
James R. Hart, Commissioner At-Large
Janyce N. Hedetniemi, Commissioner At-Large
Ellen J. Hurley, Braddock District
Kenneth A. Lawrence, Providence District
John L. Litzenberger, Jr., Sully District
James T. Migliaccio, Lee District
Peter F. Murphy, Springfield District
Timothy J. Sargeant, Commissioner At-Large

ABSENT: None

//

The meeting was called to order at 8:18 p.m., by Chairman Peter F. Murphy, in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

//

COMMISSION MATTERS

Commissioner Hart announced that the Planning Commission's Environment Committee would meet at 7:00 p.m. in the Board Conference Room of the Fairfax County Government Center, on the following dates:

- Thursday, March 7, 2013 (Perspectives from private sector providers of electric vehicle supply equipment) *[Note: This meeting was subsequently cancelled due to inclement weather.]*
- Thursday, April 4, 2013 (Proposed changes to Fairfax County Stormwater Management Ordinance)

//

On behalf of the Planning Commission, Commissioner Hart congratulated Chairman Murphy for being named "2012 Fairfax County Citizen of the Year" by the Fairfax County Federation of Citizens Association. He noted that a dinner would be held in his honor on Sunday, April 7, 2013, at the Crowne Plaza Tysons Corner Hotel. Chairman Murphy expressed his appreciation

for the recognition and thanked Commissioners Hart, Lawrence, and former At-Large Commissioner Walter Alcorn for the nomination.

//

Commissioner Litzenberger announced that the Planning Commission's Housing Committee would hold a joint meeting with the Fairfax County Redevelopment and Housing Authority on Thursday, February 21, 2013, at 7:00 p.m. in the Board Conference Room of the Fairfax County Government Center.

//

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION RATIFY THE 2013 COMMITTEE APPOINTMENTS, AS STATED IN THE MEMORANDUM FROM CHAIRMAN MURPHY, DATED FEBRUARY 7, 2013.

Commissioner Lawrence seconded the motion which carried unanimously.

//

RZ/FDP 2012-SU-010 – NORTHERN VIRGINIA HEALTH INVESTORS, LLC (Deferral of Decisions Only) (The public hearing on these applications was held on December 5, 2012. A complete verbatim transcript is in the date file.)

At the request of Commissioner Litzenberger, Brent Krasner, Zoning Evaluation Division, Department of Planning and Zoning, and Lynne Strobel, Esquire, Walsh, Colucci, Lubeley, Emrich & Walsh, PC, provided an update on the progress for RZ/FDP 2012-SU-010, Northern Virginia Health Investors, LLC, regarding a proffer that would require the maintenance of a three-star Medicare rating for the proposed facility, the support of the Health Care Advisory Board, and landscaping issues. Commissioner Litzenberger also announced that the applicant had submitted a revised Final Development Plan and proffers on Tuesday, February 5, 2013.

To allow for further review, Commissioner Litzenberger MOVED THAT THE PLANNING COMMISSION FURTHER DEFER THE DECISIONS ONLY FOR RZ/FDP 2012-SU-010, NORTHERN VIRGINIA HEALTH INVESTORS, LLC, TO A DATE CERTAIN OF FEBRUARY 28, 2013, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENT.

Commissioner Flanagan seconded the motion which carried unanimously.

//

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION INDEFINITELY DEFER THE PUBLIC HEARING FOR FDPA 94-H-011, WILLIAM AND WHITNEY BABASH, UNTIL DEFICIENCIES IN THE AFFIDAVIT WERE RESOLVED.

Commissioner Lawrence seconded the motion which carried unanimously.

//

Commissioner Hall MOVED THAT THE PLANNING COMMISSION APPROVE THE FOLLOWING MINUTES:

SEPTEMBER 13, 2012

SEPTEMBER 20, 2012

SEPTEMBER 27, 2012

Commissioners Hart seconded the motion which carried by a vote of 11-0-1 with Commissioner Hedetniemi abstaining.

//

FSA-P96-58-1 – SPRINT, 9302 Lee Highway

Chairman Murphy MOVED APPROVAL OF THE CONSENT AGENDA ITEM.

Without objection, the motion carried unanimously.

//

RZ/FDP 2012-BR-003 – TARIQ H. KHAN (Decisions Only)

(The public hearing on these applications was held on December 5, 2012 and continued on January 24, 2013. A complete verbatim transcript of the decisions made is in the date file.)

Commissioner Hurley MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE RZ 2012-BR-003, SUBJECT TO THE EXECUTION OF PROFFERS DATED JANUARY 31, 2013.

Commissioner Sargeant seconded the motion which carried by a vote of 9-0-3 with Commissioners de la Fe, Hedetniemi, and Migliaccio abstaining.

Commissioner Hurley MOVED THAT THE PLANNING COMMISSION APPROVE FDP 2012-BR-003, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED FEBRUARY 4, 2013, AND SUBJECT TO THE BOARD'S APPROVAL OF THE REZONING.

Commissioner Sargeant seconded the motion which carried by a vote of 9-0-3 with Commissioners de la Fe, Hedetniemi, and Migliaccio abstaining.

Commissioner Hurley MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A WAIVER OF PARAGRAPH 1 OF SECTION 6-107 OF THE ZONING ORDINANCE TO ALLOW A MINIMUM DISTRICT SIZE OF LESS THAN TWO ACRES IN THE PDH DISTRICT.

Commissioner Sargeant seconded the motion which carried by a vote of 9-0-3 with Commissioners de la Fe, Hedetniemi, and Migliaccio abstaining.

Commissioner Hurley MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A MODIFICATION OF PARAGRAPH 2 OF SECTION 6-110 OF THE ZONING ORDINANCE TO ALLOW THE REQUIRED P-DISTRICT RECREATION CONTRIBUTION TO BE PROVIDED OFF-SITE.

Commissioner Sargeant seconded the motion which carried by a vote of 9-0-3 with Commissioners de la Fe, Hedetniemi, and Migliaccio abstaining.

Commissioner Hurley MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A WAIVER OF SECTION 6-1307.2A OF THE PUBLIC FACILITIES MANUAL TO ALLOW BIO-RETENTION FACILITIES TO BE LOCATED ON INDIVIDUAL SINGLE-FAMILY DETACHED RESIDENTIAL LOTS.

Commissioner Sargeant seconded the motion which carried by a vote of 9-0-3 with Commissioners de la Fe, Hedetniemi, and Migliaccio abstaining.

//

RZ/FDP 2010-PR-014-D AND RZ 2010-PR-014-E – GEORGELAS GROUP, LLC (Decisions Only) (The public hearing on these applications was held on January 30, 2013. A complete verbatim transcript of the decisions made is in the date file.)

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE RZ 2010-PR-014-D, SUBJECT TO THE EXECUTION OF PROFFERS DATED FEBRUARY 7, 2013.

Commissioner Hart seconded the motion which carried by a vote of 9-0-2 with Commissioners Flanagan and Hall abstaining; Commissioner Sargeant having recused himself.

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION APPROVE FDP 2010-PR-014-D, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED FEBRUARY 7, 2013, AND THE BOARD'S APPROVAL OF THE REZONING.

Commissioner Hart seconded the motion which carried by a vote of 10-0-1 with Commissioner Hall abstaining; Commissioner Sargeant having recused himself.

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE RZ 2010-PR-014-E, SUBJECT TO THE EXECUTION OF PROFFERS DATED FEBRUARY 7, 2013.

Commissioner Hart seconded the motion which carried by a vote of 9-0-2 with Commissioners Flanagan and Hall abstaining; Commissioner Sargeant having recused himself.

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE THE FOLLOWING WAIVERS AND MODIFICATIONS:

- A MODIFICATION OF ALL TRAILS AND BIKE TRAILS, IN FAVOR OF THE STREETScape AND ON-ROAD BIKE LANE SYSTEM SHOWN ON THE PLANS;
- A WAIVER OF PARAGRAPH 3 OF SECTION 17-201 OF THE ZONING ORDINANCE, TO PROVIDE ANY ADDITIONAL INTERPARCEL CONNECTIONS TO ADJACENT PARCELS BEYOND THAT SHOWN ON THE PLANS AND AS PROFFERED;
- A WAIVER OF PARAGRAPH 4 OF SECTION 17-201 OF THE ZONING ORDINANCE REQUIRING ANY FURTHER DEDICATION AND CONSTRUCTION FOR WIDENING OF EXISTING ROADS TO ADDRESS COMPREHENSIVE PLAN REQUIREMENTS BEYOND THAT WHICH IS INDICATED IN THE PLANS AND PROFFERS;
- A WAIVER OF PARAGRAPH 1 OF SECTION 6-506 OF THE ZONING ORDINANCE REQUIRING A MINIMUM DISTRICT SIZE OF 10 ACRES IN THE PTC DISTRICT;
- A WAIVER OF A SERVICE DRIVE ON ROUTE 7;
- A MODIFICATION OF INTERIOR AND PERIPHERAL PARKING LOT LANDSCAPING REQUIREMENTS FOR INTERIM SURFACE LOTS, WHEN SHOWN ON AN APPROVED FDP OR AS APPLIES TO INTERIM USES FOR EXISTING CONDITIONS;
- A WAIVER OF ZONING ORDINANCE SECTION 16-403 REQUIRING A FINAL DEVELOPMENT PLAN AS A PREREQUISITE TO A SITE PLAN IN THE PTC DISTRICT FOR THE FOLLOWING FEATURES AS SHOWN ON THE CDP: PUBLIC IMPROVEMENT PLANS ASSOCIATED WITH PUBLIC STREETS, INTERIM PARK SPACE PREVIOUSLY PROFFERED WITH RZ 2010-PR-014-A AND LOCATED ON RZ 2010-PR-014-E, AND MINOR MODIFICATIONS TO THE EXISTING BUILDINGS ON RZ 2010-PR-014-E;

- A WAIVER OF SECTION 11-302 OF THE ZONING ORDINANCE, TO ALLOW A PRIVATE STREET TO EXCEED 600 FEET IN LENGTH AS SHOWN ON THE CDP;
- A MODIFICATION OF SECTION 7-0802.2 OF THE PFM, TO ALLOW FOR THE PROJECTION OF STRUCTURAL COLUMNS INTO PARKING STALL, NO MORE THAN FOUR PERCENT OF THE STALL AREA;
- A WAIVER TO ALLOW THE USE OF UNDERGROUND STORMWATER MANAGEMENT AND BEST MANAGEMENT PRACTICES IN A RESIDENTIAL DEVELOPMENT, SUBJECT TO WAIVER NUMBER 8158-WPFM-002-1;
- A MODIFICATION OF THE 10 YEAR TREE CANOPY REQUIREMENTS, IN FAVOR OF THAT SHOWN ON THE PLANS AND AS PROFFERED;
- A MODIFICATION OF THE TREE PRESERVATION TARGET, IN FAVOR OF THAT SHOWN ON THE PLANS AND AS PROFFERED;
- A MODIFICATION OF SECTION 12-0702 1B (2) TO PERMIT THE REDUCTION OF THE MINIMUM PLANTER OPENING AREA FOR TREES USED TO SATISFY THE TREE COVER REQUIREMENT, IN FAVOR OF THAT SHOWN ON THE PLANS AND AS PROFFERED;
- A WAIVER OF PARAGRAPH 2 OF SECTION 2-506 OF THE ZONING ORDINANCE, TO ALLOW A PARAPET WALL, CORNICE, OR SIMILAR PROJECTION TO EXTEND MORE THAN THREE FEET ABOVE THE ROOF, WHEN SHOWN ON AN APPROVED FDP;
- A WAIVER OF MAXIMUM FENCE HEIGHT TO PERMIT AN INCREASE FROM 7 FEET TO 14 FEET FOR SPORT COURTS AND OTHER FEATURES WHEN SHOWN ON AN APPROVED FDP;
- A MODIFICATION OF PARAGRAPH 4 OF SECTION 11-202 OF THE ZONING ORDINANCE REQUIRING A MINIMUM DISTANCE OF 40 FEET OF A LOADING SPACE FROM A DRIVE AISLE WHEN SHOWN ON AN APPROVED FDP; AND
- A MODIFICATION OF SECTION 7-0800 OF THE PFM TO ALLOW THE USE OF TANDEM PARKING SPACES WITH VALET SERVICE TO BE COUNTED AS REQUIRED PARKING (AS PERMITTED BY THE PTC DISTRICT REGULATIONS) AND AS DESCRIBED IN THE PROFFERS.

Commissioners Hart and Hedetniemi seconded the motion which carried by a vote of 10-0-1 with Commissioner Hall abstaining; Commissioner Sargeant having recused himself.

//

ORDER OF THE AGENDA

Secretary Hall established the following order of the agenda:

1. SE 2012-MA-016 – NATIONAL CAPITAL PRESBYTERY, INC.
2. RZ 2012-PR-011 AND SE 2012-PR-010 – TRUSTEES OF EMMANUEL LUTHERAN CHURCH

This order was accepted without objection.

//

SE 2012-MA-016 – NATIONAL CAPITAL PRESBYTERY, INC.
– Appl. under Sect. 3-204 of the Zoning Ordinance to permit a place of worship with a nursery school and child care center with a total enrollment of 99 students. Located at 6531 Columbia Pk., Annandale, 22003, on approx. 4.68 ac. of land zoned R-2 and HC. Tax Map 60-4 ((1)) 35A and 35B. MASON DISTRICT. PUBLIC HEARING.

Lynne Strobel, Esquire, Walsh, Colucci, Lubeley, Emrich & Walsh, PC, reaffirmed the affidavit dated December 19, 2012. Commissioner Hart disclosed that his law firm, Hart & Horan, PC, had a prior attorney/client relationship with Reid Dudley and Runyon Dudley, Associates, Inc., who were listed in the affidavit, but noted that there had not been a business or financial relationship in over two years. Therefore, he said this would not affect his ability to participate in this public hearing. Commissioner Flanagan also disclosed that he was an elder in the Presbyterian Church; therefore, he would recuse himself from this public hearing.

Michael Lynskey, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the application.

Commissioner Hall announced that she would include in her motion a modification to Development Condition Number 15 that would require the applicant to provide supplemental medium evergreen shrubs to meet the transitional screening requirement along the western property line, subject to review and approval by the Fairfax County Urban Forest Management Division. She explained that the church had requested this modification because portions of the

wooded areas around the subject property contained bamboo, which was difficult to clear, and the revised language would provide greater flexibility.

Ms. Strobel explained that the subject application would permit a nursery school within John Calvin Presbyterian Church. She described the proposed minor site and building modifications, but noted that the seating capacity of the sanctuary would not change and the site would remain wooded. She also commended staff for coordinating with the applicant to allow greater flexibility in removing invasive plant species over a certain period. In addition, she indicated that the proposal had been presented to the Mason District Land Use Committee, which supported the application. Ms. Strobel also requested that the Commission consider the modification presented earlier by Commissioner Hall.

Chairman Murphy called for speakers from the audience, but received no response: therefore, he noted that a rebuttal statement was not necessary. There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Hall for action on this case. (A verbatim excerpt is in the date file.)

//

Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SE 2012-MA-016, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED FEBRUARY 6, 2013, WITH THE FOLLOWING MODIFICATION:

- REVISE DEVELOPMENT CONDITION NUMBER 15 TO READ, “IN THE TRANSITIONAL SCREENING AREAS DEPICTED AS PHASE I AND PHASE II LANDSCAPE AREAS ON SHEET 6 OF THE PLANS, THE APPLICANT SHALL PROVIDE SUPPLEMENTAL MEDIUM EVERGREEN SHRUBS TO MEET THE INTENT OF THE TRANSITIONAL SCREENING REQUIREMENTS ALONG THE WESTERN PROPERTY LINES, AS REVIEWED AND APPROVED BY THE URBAN FOREST MANAGEMENT.”

Commissioner Hart seconded the motion which carried unanimously with Commissioner Flanagan having recused himself.

Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE THE FOLLOWING WAIVERS AND MODIFICATIONS:

- A WAIVER OF THE FRONTAGE IMPROVEMENTS, INCLUDING A SERVICE ROAD ALONG COLUMBIA PIKE, AND SIDEWALK CONSTRUCTION ALONG COLUMBIA PIKE AND WHISPERING LANE, IN LIEU OF A TRAIL EASEMENT COMMITMENT AS CONDITIONED;
- A WAIVER OF THE BARRIER REQUIREMENTS;
- A MODIFICATION OF TRANSITIONAL SCREENING REQUIREMENTS TO ACCEPT EXISTING VEGETATION AND PLANTINGS, AS SHOWN ON THE SE PLAT AND AS CONDITIONED;
- A WAIVER OF THE INTERIOR PARKING LOT LANDSCAPING REQUIREMENTS, IN LIEU OF EXISTING VEGETATION; AND
- A WAIVER OF THE PERIPHERAL PARKING LOT LANDSCAPING REQUIREMENTS, DUE TO THE GRADE CHANGE ON THE SITE.

Commissioner Hart seconded the motion which carried unanimously with Commissioner Flanagan having recused himself.

//

RZ 2012-PR-011 – TRUSTEES OF EMMANUEL LUTHERAN CHURCH – Appl. to rezone from R-1 to R-3 to permit a church, child care center, and private school of general education with an overall Floor Area Ratio (FAR) of 0.25. Located on the S.E. side of Chain Bridge Rd. approx. 400 ft. S. of its intersection with James Madison Dr. on approx. 5.06 ac. of land. Comp. Plan Rec: 3-4 du/ac. Tax Map 38-3 ((1)) 34, 35, and 38A. (Concurrent with SE 2012-PR-010.) PROVIDENCE DISTRICT.

SE 2012-PR-010 – TRUSTEES OF EMMANUEL LUTHERAN CHURCH – Appl. under Sect. 3-304 of the Zoning Ordinance to permit a church, child care center with a maximum daily enrollment of 220 children, and private school of general education with a maximum daily enrollment of 40 students. Located on the S.E. side of Chain Bridge Rd. approx. 400 ft. S. of its intersection with James Madison Dr. on approx. 5.06 ac. of land zoned R-3. Tax Map 38-3 ((1)) 34, 35, and 38A. (Concurrent with RZ 2012-PR-011.) PROVIDENCE DISTRICT. JOINT PUBLIC HEARING.

Sarah Hall, Esquire, Blankenship & Keith, PC, reaffirmed the affidavits dated January 7, 2013. Commissioner Hart disclosed that he had been hired by attorneys from Ms. Hall's firm as an expert witness on a litigation matter within the past 12 months; therefore, he indicated that he would recuse himself from this public hearing.

Mary Ann Tsai, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the applications.

At the request of Commissioner Litzenberger, Ms. Tsai pointed out the location of the proposed columbarium.

Responding to questions from Commissioner Sargeant, Ms. Tsai explained the following:

- Proffer Number 9, Completion of Transportation Improvements, included standard language regarding transportation improvements that could be administratively approved at a later date without requiring a Proffered Condition Amendment;
- The applicant was currently pursuing a shared parking agreement with the owner of the office development to the east;
- The taper for the left-turn lane on Chain Bridge Road would not be extended until after Phase I of the development;
- The traffic into and out of the site was expected to increase during Phase I;
- The Virginia Department of Transportation (VDOT) had determined that traffic flow along Chain Bridge Road would not be hindered in the absence of the extended taper; and
- As depicted in Proffer Number 11, Child Care Center and School Transportation, an on-site transportation coordinator would monitor the on-site circulation.

Responding to additional questions from Commissioner Sargeant, William O'Donnell, ZED, DPZ, explained that Zoning Enforcement staff would provide additional enforcement if the applicant demonstrated a pattern of non-conformance with any of the proffers. (A copy of the revised proffers dated January 25, 2012, is in the date file.)

In response to questions from Commissioner Hedetniemi, Ms. Tsai confirmed that the hours of operation would be extended. She also stated that VDOT and the Fairfax County Department of Transportation (FCDOT) had evaluated the traffic impact and did not express any concerns.

Ms. Tsai answered a question from Commissioner Migliaccio regarding the proposed pedestrian gate, as mentioned on page 9 in the staff report.

Ms. Hall presented background information on Emmanuel Lutheran Church and discussed the need to expand its child care ministry and other church uses to respond to the needs of the community. She then described the planned multiple phases of development to include building additions, expansion of sanctuary seats, and provision of additional surface parking. She noted that the proposed church plans would be compatible with the surrounding community, provide effective barriers and significant landscaping, and install stormwater management facilities. Addressing Commissioner Sargeant's earlier questions, Ms. Hall stated that the traffic patterns accessing the site would continue, the shared parking agreement was under discussion, the Chain Bridge Road taper would be extended, and the arrival and dismissal times of the children would be staggered. In addition, she asked that members of Emmanuel Lutheran Church in the audience stand and be recognized. She also presented a letter on behalf of members of the church dated December 7, 2012, addressed to Providence District Supervisor Linda Smyth, which expressed support for the proposal. (A copy of the letter is in the date file.)

Replying to questions from Commissioner Lawrence, Ms. Hall described the on-site circulation of vehicles dropping off or picking up children. She also stated that the on-site transportation coordinator would monitor the stacking on Chain Bridge Road, but pointed out that there would be room for vehicles to double stack if necessary. She added that the staggered arrival and dismissal times would be managed to ensure efficient traffic flow.

In reply to a question from Commissioner de la Fe, Ms. Hall said that parents would park and escort their children into the child care center.

Answering a question from Commissioner Flanagan, Ms. Hall indicated that the building would meet the necessary Code requirements for child care centers and schools of general education.

Responding to additional questions from Commissioner Flanagan, Mr. O'Donnell stated that the applications had been reviewed by the Fire Marshal and noted that documentation of the review was not included in a staff report unless issues were identified. He also pointed out that the fire sprinkler requirements would be addressed during building permit review.

Chairman Murphy called the first listed speaker and recited the rules for public testimony.

Frank Crump, 2586 Plum Tree Court, Vienna, spoke in opposition to the application because it would increase traffic, expand the hours of operation, significantly change the character of the subject property, and encourage the expansion of high-density development farther westward along Maple Avenue toward Oakton. He also noted that the proposal would increase obstructive noise from children on the site and commented on the church's air conditioning unit adjoining the existing play area and increased vehicular traffic. He added that he believed that the proposal

was not in harmony with the objectives of the Vienna Planning District. However, Mr. Crump stated that if the Commission intended to recommend approval of the applications, he requested that a greater effort be made to reduce the noise impact. Referencing his written statement dated February 7, 2013, Mr. Crump suggested a revision to Proffer Number 14, Block Wall, that emphasized noise mitigation for the proposed southern barrier, specified that the barrier would measure seven feet above the level of the church parking lot, and required that the current air conditioning unit be replaced with a newer model. (A copy of Mr. Crump's statement is in the date file.)

Responding to questions from Chairman Murphy, Ms. Tsai pointed out that the playground area would be moved farther east during the final development phase. She also indicated that Mr. Crump's property was fenced with a six-foot tall board-on-board fence.

In response to a question from Commissioner Litzenberger, Ms. Tsai stated that Zoning Enforcement staff would measure noise from different areas on the church property to determine if it exceeded the level permitted by the Noise Ordinance.

Paul Kim, 9552 Pine Cluster Circle, Vienna, spoke in opposition to the application citing concerns about the following:

- Increased noise and air pollution from daily construction activity;
- That the proposal would destroy the character of the area;
- Diminished property values;
- Increased daily traffic on Chain Bridge Road;
- Continued expansion of the education program to include more grades;
- Exacerbated traffic congestion;
- Increased criminal activity, litter, and trespassing on the church property, specifically the tot lot; and
- Increased church traffic in his neighborhood.

Mr. Kim also said he believed that a sufficient traffic impact analysis had not been conducted in conjunction with Marshall Road Elementary School to identify potential problems related to the pick-up and dismissal times, bus routes, and vehicular traffic in the area. He added that while there was an existing gate that could be accessed only by members of the Pine Glen Homeowners Association (PGHOA), the staff report did not indicate whether the proposed pedestrian gate would be locked. Therefore, he requested that staff provide additional information or the applicant should propose a proffer regarding the operation and security of the pedestrian gate.

In reply to questions from Chairman Murphy, Mr. Kim said that he had called the police on numerous occasions when he had observed trespassers engaging in criminal activity on the tot lot, but when police showed up the trespassers had already left. He pointed out that the PGHOA

had been considering installing a light to dissuade this type of behavior and had already installed signs noting that the tot lot was for church guests and community residents only. He also noted that his community had a neighborhood watch program.

Answering a question from Commissioner Migliaccio, Mr. Kim said he was uncertain whether the applicant and PGHOA had developed an agreement regarding security and access for the proposed pedestrian gate. Commissioner Migliaccio requested that Ms. Hall address this issue during her rebuttal statement.

In response to questions from Commissioner Litzenberger, Mr. Kim expressed concerns that if the pedestrian gate were unlocked, it would enable trespassers to access the church property and his neighborhood, and encourage parents to park in the cul-de-sac in front of his house and use that pedestrian access to drop off and pick up their children at the school.

Addressing Mr. Kim's concern regarding the possible expansion of the education program to include more grades, Chairman Murphy explained that the Planning Commission and the Board of Supervisors could only evaluate the proposal before them, not what might happen in the future. He also noted that any additional modifications to the plan would require approval of an amendment to the original application, which would be subject to a public hearing process.

Responding to questions from Commissioner Hurley, Mr. Kim pointed out the location of the tot lot and Marshall Road Elementary School. In addition, he described the route of the only bus that travelled to and from Marshall Road Elementary School.

Mr. Kim replied to questions from Commissioner Flanagan regarding his position statement.

In response to a question from Commissioner Lawrence, Mr. Kim stated that he had not attended the meetings between the applicant and PGHOA because he had not been notified.

Answering questions from Commissioner Donahue, Ms. Tsai said she believed that the applicant had agreed to provide the pedestrian gate at the request of the PGHOA. She also confirmed that the noise decibel level would be measured on or near the border of the affected property to determine whether it complied with the Noise Ordinance.

Commissioner Donahue stated that he did not believe that the noise generated by children in the relocated playground area would result in a violation of the Noise Ordinance.

In reply to a question from Commissioner Flanagan, Mr. O'Donnell noted that no use, operation, or activity should cause or create noise in excess of the sound levels prescribed in the Noise Ordinance. However, he said he believed that children on the playground and the expected traffic volume to the subject property were unlikely to exceed those levels. Commissioner Flanagan requested further clarification on how noise was measured.

Responding to questions from Commissioner Lawrence, Ms. Tsai confirmed that in 2001, Zoning Enforcement staff had determined that the noise level produced by the church's air conditioning unit complied with the Zoning Ordinance. She also noted that the system would still have to comply even if it had to accommodate increased demand by the proposed expansion. She added that this issue was addressed in Development Condition Number 12. (A copy of the revised development conditions dated February 7, 2013, is in the date file.)

Commissioner Lawrence suggested that the applicant post signage at the site entrance that stated that the speed limit was 10 miles-per-hour on the property. He also suggested that the transportation coordinator work with church officials to establish a policy that prohibited honking on the property and enforce such a prohibition to further mitigate noise.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Ms. Hall, who said that the applicant had met with Mr. and Mrs. Crump to respond to their concerns and had sent a letter to all adjoining property owners inviting them to a meeting on the proposal. She said she believed that the proposed seven-foot-high masonry wall would adequately buffer noise from the subject site.

In reply to a question from Commissioner Lawrence, Ms. Hall stated that the wall would remain seven feet in height along the southern boundary of the subject property, as depicted on Sheet P-0303 of the Generalized Development Plan/Special Exception Plat.

Continuing her rebuttal, Ms. Hall pointed out that with the second addition to the child care center, the playground would be moved to the area between the two child care center additions, which would further mitigate the noise. She stated that Mr. Kim had been invited to the community meeting, but had not attended. She also noted that the applicant had met with PGHOA members, and no additional questions or concerns had been raised since their last meeting. Ms. Hall indicated that Proffer Number 18, Outdoor Construction, would address Mr. Kim's concerns about construction noise by limiting such activity on the property to hours that exceeded those prescribed in the Zoning Ordinance. She also explained that an existing locked gate was located along the property line between the Pine Glen neighborhood and the church site. She added that at the request of the PGHOA, the applicant would install a new gate with the proposed wood fence along the western portion of the church property's southern boundary to provide pedestrian access between it and the community.

Answering a question from Commissioner Lawrence, Ms. Hall clarified that there would be two gates between the subject property and the Pine Glen community: 1) the existing locked gate owned by the PGHOA, and 2) the pedestrian gate to be provided by the applicant at the request of the PGHOA, which would not have a lock. She added that the applicant would work with community members to ensure that the fencing would deter trespassers.

Replying to questions from Commissioner Sargeant, Ms. Hall stated that staff wanted to facilitate pedestrian access from the Pine Glen neighborhood through the church property to Chain Bridge Road, which would also make access to the child care center easier for patrons who lived in the neighborhood. She noted that the applicant had agreed to such a request. She added that pedestrian access to the front of the church was also provided from an existing sidewalk along Chain Bridge Road.

Commissioner Lawrence offered the following suggestions:

- Add language to Development Condition Number 12 to stipulate that if the air conditioning unit violated the noise regulations, the applicant would be required to either replace, enclose, or modify the unit so it was no longer in violation; and
- Add language to Proffer Number 11 to specify that the applicant will post signage at the site entrance indicating that the speed limit was 10 miles-per-hour and the transportation coordinator will be responsible for providing parents detailed written guidance to prohibit honking on the property and enforce this prohibition.

Ms. Hall said the applicant accepted these recommendations. Mr. O'Donnell noted that these modifications could be incorporated into the conditions prior to the Board of Supervisors' public hearing on these applications.

In response to an additional question from Commissioner Lawrence, Ms. Tsai reiterated that FCDDOT had reviewed the proposal and did not express any concerns.

Commissioner Lawrence commented on the increasing demand for more child care centers in Fairfax County.

Chairman Murphy called for concluding staff remarks from Ms. Tsai or Mr. O'Donnell, who declined.

Responding to a question from Commissioner Flanagan, Ms. Tsai explained that the day care center would serve children up to kindergarten and the private school of general education would serve only kindergarten students.

Noting that the playground would be moved away from the adjacent residential properties to the area between the two building additions, Commissioner Flanagan commented that he was not concerned about the noise level generated by this use.

There were no further comments or questions from the Commission; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Lawrence for action on these cases. (A verbatim excerpt is in the date file.)

//

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE RZ 2012-PR-011, SUBJECT TO THE PROFFERS DATED JANUARY 25, 2013, WITH THE FOLLOWING MODIFICATION: ADD AN ADDITIONAL ROLE FOR THE CHILD CARE CENTER AND SCHOOL CARPOOL COORDINATOR/TRANSPORTATION COORDINATOR TO MONITOR THE USE OF VEHICLE HORNS.

Commissioner Hedetniemi seconded the motion which carried unanimously with Commissioner Hart having recused himself; Commissioner Hall not present for the vote.

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SE 2012-PR-010, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED FEBRUARY 7, 2013, WITH THE FOLLOWING MODIFICATIONS:

- INSTALL SIGNAGE AT THE ENTRANCE TO THE SITE TO REDUCE VEHICULAR SPEED, AND;
- IN THE EVENT OF A NOISE VIOLATION FOR THE AIR CONDITIONER AT THE SOUTHEAST PROPERTY LINE, THE APPLICATION WILL PROVIDE MEASURES TO REDUCE THE NOISE LEVEL, SUCH AS ENCLOSING THE AIR CONDITIONING UNIT OR PROVIDING AN ACOUSTICAL BUFFER.

Commissioner de la Fe seconded the motion which carried unanimously with Commissioner Hart having recused himself; Commissioner Hall not present for the vote.

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENT ALONG THE EASTERN PORTION OF THE SOUTHERN PROPERTY LINE, AS SHOWN ON THE GDP/SE PLAT.

Commissioner de la Fe seconded the motion which carried unanimously with Commissioner Hart having recused himself; Commissioner Hall not present for the vote.

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A WAIVER OF THE SERVICE DRIVE REQUIREMENT ALONG CHAIN BRIDGE ROAD.

Commissioner de la Fe seconded the motion which carried unanimously with Commissioner Hart having recused himself; Commissioner Hall not present for the vote.

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A WAIVER OF THE BARRIER REQUIREMENT ALONG THE NORTHERN PROPERTY LINE.

Commissioner de la Fe seconded the motion which carried unanimously with Commissioner Hart having recused himself; Commissioner Hall not present for the vote.

//

The meeting was adjourned at 10:25 p.m.

Peter F. Murphy, Chairman

Janet R. Hall, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Jacob L. Caporaletti

Approved on: _____

John W. Cooper, Clerk to the
Fairfax County Planning Commission